IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 11066 of 2005

Between:

Challa Satyanarayana, S/o Ch. Alluri Subbaiah,
R/o Kandulapuram Village, Cumbum Mandal, Prakasam District.

... PETITIONER

AND

1 The District Collector, (Civil Supplies) Prakasam District, Ongole.
2 The Revenue Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Cumbum Mandal, Cumbum, Prakasam

District.
4 Anna Srinivasa Rao, S/o China Rangaiah,
R/o Kandulapuram Village, Cumbum Mandal, Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of Mandamus or any other appropriate writ declaring the impugned Proceedings in RCH/414/2005, dated 27-4-2005 of the 2nd Respondent and also the Proceedings in CS2/1639/2005, dated 30-4-2005 of the 1st respondent in bifurcating the existing Fair Price Shop No.1 run by the Petitioner in Kandulapuram Village, Cumbum Mandal, Prakasam District and appointing the 4th Respondent as Fair Price Shop Dealer No.2 of Kandulapuram (ward Nos. 4 to 6) Village of Cumbum Mandal, Prakasam District, as illegal, arbitrary, contrary to the principles of natural justice and consequentially to set aside the same.

Counsel for the Petitioner: MR.K.ANANDA RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Challenging the proceedings of the second respondent, the Revenue Divisional Officer, Markapur, Prakasam District, in RCH/414/2005 dated 27-04-005 in bifurcating the Fair Price Shop into two and creating a new fair price shop, subject to the orders of the Joint Collector, Prakasam District, the present writ petition has been filed.

2. Heard the learned counsel for the petitioner and the learned G.P. for Civil Supplies appearing for the respondents.

3. Learned counsel for the petitioner contends that the Revenue Divisional Officer has no power to bifurcate the fair price shops in the village and the District Collector has already passed an order dated
30-04-2005. Learned Counsel has not disputed about the power of District Collector and Magistrate, Prakasam District in bifurcating the fair price shops. He has also not disputed the proceedings of the District Collector dated 30-04-2005 and appropriate orders have to be passed by the Revenue Divisional Officer, the second respondent herein, pursuant to the orders passed by the District Collector dated 30-04-2005.

4. Having regard to the facts and circumstances of the case, the impugned order dated 27-04-2005 passed by the Revenue Divisional Officer even before the order of the District Collector dated
30-04-2005, is set aside and the second respondent, the Revenue Divisional Officer shall pass necessary consequential orders pursuant to the orders dated 30-04-2005 passed by the District Collector, Prakasam District.

The writ petition is disposed of with the above directions. No costs.

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K.C. BHANU,

May 17, 2005

Note: Issue CC in two days.

B/o

Glv/Mrr

Copy to. –

1 The District Collector, (Civil Supplies) Prakasam District, Ongole.
2 The Revenue Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Cumbum Mandal, Cumbum, Prakasam

District.

Two C.C. s to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

Two C.D. Copies.

*Form-NIC-OGS/WP {**AVLR**}*